

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**ZACHARY CLAYTON WALKER,
JASON FITZGERALD, and
JOSEPH McDORMAN,**

Plaintiffs,

v.

SHERIFF SONNY WEATHERFORD *et al.*,

Defendants.

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Case No. 3:12-mc-00059

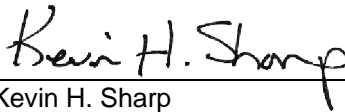
Judge Sharp

ORDER

Zachary Walker, Jason Fitzgerald and Joseph McDorman filed a document titled "Motion for Lawsuit" in Case Number 3:12-mc-00050, which the Court, in an order dated August 29, 2012, construed as a separate complaint and ordered it filed as a new lawsuit under a new docket number. In the same order, the Court gave notice to the three plaintiffs in this new action that, within 30 days of entry of that order, each plaintiff needed to submit his portion of the \$350 filing fee, or his own Application to proceed as a pauper.

In response to a letter from Jason Fitzgerald, and for the purpose of both clarifying the claims in the complaint and avoiding the possibility of assessing a filing fee against a plaintiff who did not intend to join in the filing of a complaint, the Court entered an order dated September 14, 2012, directing the Clerk of Court to forward to each of the three plaintiffs in this action a blank § 1983 form complaint and a blank application to proceed as a pauper, along with instructions to each plaintiff to signify his intent to join this action. In response to that order, Joseph McDorman has submitted a letter stating he does not wish to join this lawsuit but instead intends to file his own lawsuit separately. (ECF No. 14.) Jason Fitzgerald also submitted a letter in which he also stated that he wished to file a separate lawsuit. And finally, plaintiff Zachary Walker submitted a letter, which the Court received on September 21, 2012, notifying the court that he had spoken with the other two individuals and "they don't want to have a lawsuit together." The plaintiff also requests to proceed only with his original lawsuit, case number 3:12-mc-00050.

The Court finds that Case Number 3:12-mc-00059 was improvidently opened and that no filing fee should be assessed against the plaintiffs. The matter is hereby **DISMISSED WITHOUT PREJUDICE**
It is so **ORDERED**.



Kevin H. Sharp
United States District Judge